

## Message Text

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PAGE 01 STATE 007843

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ORIGIN EB-07

INFO OCT-01 ARA-06 FMC-01 STR-04 SS-15 SP-02 NSC-05 TRSE-00

COME-00 CIAE-00 INR-07 NSAE-00 PRS-01 ISO-00 /049 R

DRAFTED BY EB/TT/MA:SVSMITH:EW

APPROVED BY EB/TT/MA:RKBANK

ARA/CEN:MPLATT

EB/STA:BBISHOP

FMC:FSHREVES

STR:SCOFFIELD (PARA. 4)

----- 076160

P 131633Z JAN 76

FM SECSTATE WASHDC

TO AMEMBASSY GUATEMALA PRIORITY

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E.O. 11652: N/A

TAGS:EWWT, GT, US

SUBJECT: DELTA/FLOMERCA DISPUTE: FEBRUARY 14 DEADLINE

REF: GUATEMALA 7234

1. DEPARTMENT FULLY UNDERSTANDS INABILITY OF GOG TO PRODUCE NEW LEGISLATION BY FEBRUARY 14 IF GUATEMALAN CONGRESS DOES NOT RECONVENE UNTIL AFTER THAT DATE. HOWEVER, IN ABSENCE OF ACTION BY THE GOG CONGRESS, WE MUST HAVE SOME EVIDENCE THAT THE GOG SERIOUSLY INTENDS TO RESOLVE THIS MATTER IF WE ARE TO BE ABLE TO PERSUADE THE FMC NOT TO PUBLISH ITS REGULATION ON FEB. 14 AND BEGIN ASSESSING EQUALIZATION FEES. PERHAPS THIS EVIDENCE COULD TAKE THE FORM OF A DRAFT LAW WHICH THE GOG EXECUTIVE WOULD INTEND TO HAVE INTRODUCED SOON AFTER THE CONGRESS RECONVENED. ANY ADDITIONAL EXPLANATION OF HOW THE GOG INTENDED TO PROCEED WOULD ALSO BE USEFUL.

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PAGE 02 STATE 007843

2. IF THE GOG PROVIDES US WITH A DRAFT LAW OR ANY OTHER

EVIDENCE THAT IT SERIOUSLY INTENDS TO RESOLVE THIS MATTER, THE DEPARTMENT WOULD THEN BE IN A POSITION TO REQUEST THAT THE FMC ACCEPT IT AS EVIDENCE OF GOG GOOD FAITH IN SUPPORT OF A REQUEST TO THE FMC FOR AN EXTENSION OF THE FEB. 14 DEADLINE TO ENABLE THE GOG TO COMPLETE ITS LEGAL PROCESS.

DEPARTMENT MUST EMPHASIZE, HOWEVER, THAT FEDERAL MARITIME COMMISSION MAY FIND SUCH INFORMATION AS IS PROVIDED BY THE GOG TO BE INADEQUATE AND MAY WELL TURN DOWN OUR REQUEST FOR AN EXTENSION OF THE DEADLINE. THIS MATTER HAS BEEN PENDING FOR NEARLY TWO YEARS. THEREFORE, THE FMC MAY SEE ANY FURTHER DELAY AS ONLY CONTINUED STALLING, REGARDLESS OF THE EMBASSY'S AND THE DEPARTMENT'S EFFORTS TO CONVINCE THE FMC OTHERWISE.

3. IN CONVEYING THE SUBSTANCE OF THIS TELEGRAM TO GOG OFFICIALS, EMBASSY SHOULD REMIND THEM THAT UNTIL NOW WE HAVE APPARENTLY BEEN SUCCESSFUL IN MAINTAINING THE CONFIDENTIALITY OF THE FMC'S DECISION TO ALLOW THE GOG TO WORK OUT A SOLUTION WHILE NOT PUBLICLY UNDER PRESSURE FROM THE FMC.

4. YOU MAY ALSO WISH TO INFORM GOG AUTHORITIES THAT AS FEB. 14 APPROACHES WITHOUT ANY SATISFACTORY RESPONSE FROM THE GOG, THE LIKELIHOOD ALSO INCREASES THAT THE TRADE POLICY REVIEW GROUP WILL RECOMMEND THAT ACTION BE TAKEN AGAINST GUATEMALA UNDER SECTION 301 OF THE TRADE ACT, 1974. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** MARINE TRANSPORTATION, LAW, STEAMSHIP LINES, TRADE COMPLAINTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 13 JAN 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** powellba  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976STATE007843  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** SVSMITH:EW  
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**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** DELTA/FLOMERCA DISPUTE: FEBRUARY 14 DEADLINE  
**TAGS:** EWWT, ETRD, GT, US, DELTA/FLOMERCA  
**To:** GUATEMALA  
**Type:** TE  
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